

IN THE SUPREME COURT OF FLORIDA

FILED
THOMAS D. HALL

2005 AUG -8 P 12: 58

INQUIRY CONCERNING A

) Supreme Court

JUDGE, NO. 02-487

) Case No. SC03-1171

CLERK, SUPREME COURT

BY _____

COMMISSION'S RESPONSE TO MOTION TO TAX COSTS

1. The Judicial Qualifications Commission, by and through its Special Counsel, pursuant to Rule 9.300(a), Florida Rules of Appellate Procedure, submits this Response to the Respondent Judge Gregory P. Holder's Motion to Tax Costs.

2. On June 23, 2005, the Hearing Panel entered its Order of Dismissal of the charges against the Respondent. On the same date, the Hearing Panel entered an Order on Entitlement to Costs pursuant to Rule of Judicial Administration 2.140(c) and In re: Hapner, 737 So.2nd 1075 (Fla. 1999), a copy of which is attached hereto.

3. Rule 2.140(c) states "the supreme court may award reasonable and necessary costs, including costs of investigation and prosecution, to the prevailing party."

4. The Hearing Panel's Order on Entitlement recommends that the Court award costs in favor of Judge Holder and provides that the appropriate amount of such costs "will be considered by the

Hearing Panel upon the filing of a motion and detailed schedules of those costs by counsel for Judge Holder."

5. The Commission, therefore, requests that, if the Court accepts the Hearing Panel's recommendation that costs be awarded, that the matter be referred back to the Hearing Panel for the submission of the detailed schedules of those costs for the consideration by the Hearing Panel and a recommendation to the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to each of the following by United States mail this 5th day of August, 2005.

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Attorney

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 02-487

INQUIRY CONCERNING JUDGE
GREGORY P. HOLDER;

SUPREME CT. CASE NO. SC03-1171

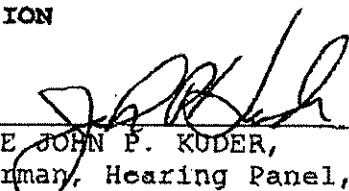
ORDER ON ENTITLEMENT TO COSTS

The Hearing Panel has entered its order dismissing the charges in this case after a full evidentiary hearing. The Hearing Panel recommends that the Court award costs in favor of Judge Holder in accordance with Rule of Judicial Administration 2.140(c) and In re: Hapner, 737 So. 2d 1075 (Fla. 1999). The appropriate amount of such costs will be considered by the Hearing Panel upon the filing of a motion and detailed schedules of those costs by counsel for Judge Holder.

DONE AND ORDERED this 23rd day of June, 2005.

FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

By: _____


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Copies furnished in accordance with the attached list.

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